IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 969 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HATIM MOHAMEDBHAI

Versus

METAL SCRAP TRADE CORPORATION LTD.

Appearance:

1. Special Civil Application No. 969 of 1985

MR YN OZA for Petitioner No. 1

MR MJ THAKORE for Respondent No. 1

M/S TRIVEDI & GUPTA for Respondent No. 2

MR PR NANAVATI for Respondent No. 2

MR. B.Y. MANKAD, AGP, for Respondent No. 3

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 06/03/2002

ORAL JUDGEMENT

1. Hatim Mohamedbhai-petitioner has filed this

petition and prayed for a writ of mandamus or direction or order declaring that the guidelines issued by Metal Scrap Trade Corporation-respondent No. 1 for making demand registration and particularly clauses 4.3.2 and 4.3.3 be void on the grounds raised in the petition. The petitioner further prayed to direct the respondents to incorporate the name of the petitioner in the list on the basis that he was entitled to be registered for demand registration as if he had completed all the formalities for such registration on 4.5.1993 and further to direct the respondents to fix the seniority of the petitioner in the said list on that basis by putting the name of the petitioner above those parties who paid the amount of Rs. 5,50,000/- after 4.5.1983.

2. This petition was filed on 21.2.1985. The matter was admitted on 3.7.1985 by this court.

3. Mr. P.R. Nanavati, learned advocate, appeared on behalf of Gujarat Maritime Board. He has produced the Regulations called "The Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994. He has also produced Gujarat Maritime Board Act, 1981 and in exercise of powers conferred by Sections 37, 38, 39, 41 and 110 and other enabling provisions of the Gujarat Maritime Board Act, 1981, the Gujarat Maritime Board with the previous approval of the Government of Gujarat in Ports and Fisheries Department letter dated 15.6.1984 enacted the Regulation known as the Gujarat Maritime Board (Conditions and Procedures for granting permission for utilising shipbreaking plots) Regulation, 1994.

4. The learned counsel has stated that pursuant to the aforesaid Regulations, auctions have been held in 1994 for giving plots to the concerned persons. In view of this subsequent development, the grievance raised by the petitioner does not survive. The petition is rejected accordingly. Rule is discharged with no order as to costs.

(K.M. MEHTA, J)
(pkn)